THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

W.P.No.19452 of 2005

ORAL ORDER : (per MVR,J)

This Taken-up Writ Petition flows from a telegram issued to the High Court alleging that one Mr.Eswar, S/o Balakoti was wrongfully confined in Edlapadu Police Station, Guntur District, in order to foist a false case against him.

On notice, a common counter affidavit is filed by the 1st respondent in this writ petition and in another W.P. No.19300 of 2005, with which we are not concerned. It is stated therein that on the basis of a report given by one Shaik Kurapati Mahaboob Subhani, a case was registered in Crime No.40 of 2005 for the offence punishable under Sections 457 and 380 of the Indian Penal Code and during the course of investigation, it came to light that the stolen property was sold to the alleged detenu. The alleged detenu visited the police station at the instance of police, and after enquiries were made, he was asked to leave on the same day as no material has emerged against him.

On our direction, the alleged detenu is produced before us today and we examined him in the chambers. He stated that himself and his father were asked to come to the police station on a particular day and upon their going there, he was questioned whether he received the stolen property that he denied the same and after having satisfied with his answers he was sent away by the police. What he stated by him before us tallies with what is averred in the counter affidavit.

In the aforesaid circumstances, we do not see any reason to proceed further with the matter and the writ petition is accordingly closed at the admission stage.

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knk 19.09.2005